IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9386 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RATANSINH AMRABHAI PAGI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 9386 of 2003
HL PATEL ADVOCATES for Petitioner No. 1
Mr. VM Pancholi, AGP for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE A.L.DAVE

Date of decision: 19/01/2004

ORAL JUDGEMENT

Rule. Mr. VM Pancholi, learned AGP waives service of Rule for the respondent State. In the facts and circumstances of the case, the matter is taken up for final hearing today. Heard learned advocate, Mr. Patel and learned AGP Mr. Pancholi.

2. There is a consensus that the case of the petitioner is covered by an earlier decision of this Court in Special Civil Application No. 10360 of 2001 with SCA Nos. 8529/2002, 3414/2003, 3416/2003 and 3590/2003 dated 17th December 2003 (Coram: Ms. Justice RM Doshit, J.). The observations made in that order that,

> "The petitioners in Special Civil Applications Nos. 3414/2003, 3416/2003 and 3590/2003 and such other Beat Guards who were not from amongst the first 24 labourers shall have no right to continue as Beat Guard. Their service as Beat Guard may be terminated by giving due notice in case such notice has already been not given. The said petitioners and such other Beat Guards, however, shall be entitled to continue in service as daily wage labourers. They shall also be entitled to their original seniority as daily wage labourers and they shall be deemed to have continued as daily wage labourers even for the period they were appointed as Beat Guard. However, they shall not be liable to refund the difference in pay and allowances received by them as Beat Guard..."

would govern the case of the present petitioner. The petition, therefore, deserves to be allowed on same terms. Hence the same order. Rule is made absolute. No order as to costs.

[A.L. Dave, J.]
rmr.